

11 pages total

Atty. Docket No. B06506-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
AUG 24 2001
OFFICE OF PETITIONS

In re Application of: Hilscher et al.

Group Art Unit: Unknown

Serial No.: 09/811,080

Examiner: Unknown

Filed on: March 16, 2001

For: Dental.Cleaning Device

Attn. Mr. Polutta, Patent Legal Administration
Assistant Commissioner for Patents
Washington, DC 20231Date of Deposit: *August 24, 2001*I certify that this document and those referred to as
enclosed herewith are being facsimile filed on the date
above to the Assistant Commissioner for Patents, Wash-
ington, DC 20231, attn: Mr. Polutta fax 703-305-1013

Dear Mr. Polutta,

Edward S. Podszus *eleven (11) pages***REQUEST FOR A SECOND CORRECTED FILING RECEIPT AND TO ESTABLISH A
REVISED APPLICATION PUBLICATION DATE**

At your request today I enclose copies of the Response to Missing Parts Notice with the Request for a New Filing Receipt with corrected publication date, which I filed June 14, 2001. As discussed, herewith is the relevant supporting documentation that accompanied that Response, i.e. copy of the inventors' Declaration (making no foreign priority claim) and the marked up filing receipt.

In response to that paper, the Updated Filing Receipt mailed July 10, 2001 was still incorrect since it erroneously listed a claim to a foreign priority on the basis of which it also noted an erroneous publication date ("Oct. 18, 2001"). My attempts to deal with this through OIPE were not satisfactory. Through helpful telephone assistance on July 24, 2001 with OIPE Supervisor Ms. Robinson, I did receive a Corrected Filing Receipt (August 10, 2001), which removed the erroneous foreign priority claim. However, Ms. Robinson informed me on August 20 that OIPE's system cannot correct the erroneous "projected publication date" which remained Oct. 18, 2001 even though it is in error.

I enclose a marked-up copy of the Corrected Filing Receipt indicating the change to "projected publication date" that this application should not publish until **after September 16, 2002**. The projected publication should be based on eighteen (18) months from the US filing date March 16, 2001, since no earlier US or foreign application is claimed. I appreciate your assistance greatly since the current projected publication date would cause serious harm to my client.

It is respectfully requested that your group (1) change in the system the projected publication date to instruct the PTO's Publication Division not to publish this application in October, and (2) issue a Second Corrected Filing Receipt indicating publication after Sept. 16, 2002. Due to the urgency of time I would greatly appreciate receiving a fax copy of the Second Corrected Filing Receipt

Patent Department
The Gillette Company
Prudential Tower Building
Boston, MA 02199

(617) 421-7939 (6 a.m.-12 noon, EST)

Fax: 617-421-7866 Date *August 24, 2001*

Respectfully submitted,

Edward S. Podszus

Edward S. Podszus
Applicants' Attorney (Reg. No. 35,983)

Dental cleaning device

Preliminary Class
433

Data entry by : ROBINSON, MARCIA

Team : OIPE

Date: 08/10/2001



Atty. Docket No. B08506-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hilscher et al.

Group Art Unit: Unknown

Serial No.: 09/811,080

Examiner: Unknown

Filed on: March 16, 2001

For: Dental Cleaning Device

Assistant Commissioner for Patents
Washington, DC 20231Date of Deposit: June 14, 2001
I certify that this document and those referred to
as enclosed herewith are being hand delivered on the
date shown above to the Assistant
Commissioner for Patents, Washington, DC 20231.

Honorable Sir:

**REQUEST TO WITHDRAW CLAIM OF FOREIGN PRIORITY AND FOR A NEW FILING
RECEIPT AND TO ESTABLISH A REVISED APPLICATION PUBLICATION DATE AND
RESPONSE TO NOTICE OF MISSING PARTS**


The Filing Receipt received on June 7, 2001, informed Applicants that the application was projected for publication on a date "to be determined pending completion of Missing Parts". On June 7, a Notice of Missing Parts (re: English translation and Declaration) was also received. The above application was filed March 16, 2001 without a \$119 claim of foreign priority being made by the attorney (although an executed Declaration was subsequently filed April 3, 2001 wherein inventors claimed priority of a German application filed on March 17, 2000), and no certified copy of a foreign application has been filed herein. Applicants now DISCLAIM a foreign priority claim and respectfully:

1. WITHDRAW the claim to priority that may have been made in this application, and comply with the Missing Parts Notice by filing a new fully executed Declaration and Power of Attorney stating that the previously-made claim of priority is withdrawn and make no other claim of priority;

2. Request that the previous Filing Receipt be superseded by a New Filing Receipt to be issued indicating that projected publication of the above application will not be made until a date after September 16, 2002 (i.e., 18 months after the filing date of March 16, 2001), as indicated on the attached marked-up filing receipt (the present Receipt correctly indicates no claimed priority); and

3. Point out that a certified translation was already filed April 3, 2001, and hereby authorize the Commissioner to charge the \$130 \$1.17(i) fee, including fees under \$1.16 and \$1.17 required by this communication to Deposit Account No. 07-1350 (this paper submitted in duplicate). Formal Drawings are also submitted (it being noted that the drawings had not contained non-English text).

Respectfully submitted,

Patent Department
The Gillette Company
Prudential Tower Building
Boston, MA 02199
(617) 421-7939 (6 a.m.-12 noon, EST)
Edward S. Podszus
Reg. No. 35,983
Attorney for Applicants
Date: June 12, 2001

24. Aug. 2001 19:19

+49 6173 30 1420

Nr. 0556 P.S. 11 of 4

Title

Device for toothcleaning

Preliminary Class

Data entry by : ALEMEWORK, SELAMAWIT Team : OIPE

Date: 06/01/2001

